

11-00-03

1651



Attorney's Docket No. SP-1093.3

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TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Wong et al  
Serial No. : 09/912,471  
Filed : 7/24/02  
Examiner : Ware D.  
Art Unit : 1651  
For : Method for Producing Ultrapure Protein Materials

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

EV042962574US

"Express Mail" Label Number: EV 042962574 US

Date of Deposit: October 31, 2003

I hereby certify that the attached: **First Page of Response of Office Action or Letter, Transmittal Form, Fee Transmittal for FY 2004, Amendment Transmittal, Amendment and Response Under 37 C.F.R. §§ 1.111 and 1.115**, is/are being deposited with the United States Postal Service as "Express Mail" in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dated: 10/31/03

  
Tonya Walker



# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number 09/912,471

Filing Date 7/24/2001

First Named Inventor Wong, et al.

Examiner Name Ware, D.

Art Unit 1651

Attorney Docket No. SP-1093.3

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METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)				
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account Deposit Account Number 50-0421 Deposit Account Name SOLAE, LLC					<b>3. ADDITIONAL FEES</b> Large Entity      Small Entity Fee Code (\$ Fee Code (\$ Fee Description Fee Paid 1051 130 2051 65 Surcharge - late filing fee or oath 1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet 1053 130 1053 130 Non-English specification 1812 2,520 1812 2,520 For filing a request for <i>ex parte</i> reexamination 1804 920* 1804 920* Requesting publication of SIR prior to Examiner action 1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action 1251 110 2251 55 Extension for reply within first month 1252 420 2252 210 Extension for reply within second month 1253 950 2253 475 Extension for reply within third month 1254 1,480 2254 740 Extension for reply within fourth month 1255 2,010 2255 1,005 Extension for reply within fifth month 1401 330 2401 165 Notice of Appeal 1402 330 2402 165 Filing a brief in support of an appeal 1403 290 2403 145 Request for oral hearing 1451 1,510 1451 1,510 Petition to institute a public use proceeding 1452 110 2452 55 Petition to revive - unavoidable 1453 1,330 2453 665 Petition to revive - unintentional 1501 1,330 2501 665 Utility issue fee (or reissue) 1502 480 2502 240 Design issue fee 1503 640 2503 320 Plant issue fee 1460 130 1460 130 Petitions to the Commissioner 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) 1806 180 1806 180 Submission of Information Disclosure Stmt 8021 40 8021 40 Recording each patent assignment per property (times number of properties) 1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a)) 1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b)) 1801 770 2801 385 Request for Continued Examination (RCE) 1802 900 1802 900 Request for expedited examination of a design application				
<b>FEE CALCULATION</b> <b>1. BASIC FILING FEE</b> Large Entity      Small Entity Fee Code (\$ Fee Code (\$ Fee Description Fee Paid 1001 770 2001 385 Utility filing fee 1002 340 2002 170 Design filing fee 1003 530 2003 265 Plant filing fee 1004 770 2004 385 Reissue filing fee 1005 160 2005 80 Provisional filing fee					<b>SUBTOTAL (1) (\$)</b>				
<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> Extra Claims Fee from below Fee Paid Total Claims 0 -20**= <input type="text"/> X <input type="text"/> = <input type="text"/> Independent Claims 0 - 3**= <input type="text"/> X <input type="text"/> = <input type="text"/> Multiple Dependent <input type="text"/> = <input type="text"/>					<b>SUBTOTAL (2) (\$ 0.00)</b>				
** or number previously paid, if greater; For Reissues, see above					Other fee (specify) _____ *Reduced by Basic Filing Fee Paid				
					<b>SUBTOTAL (3) (\$ 0.00)</b>				

SUBMITTED BY					Complete (if applicable)	
Name (Print/Type)	JAMES L. CORDEK		Registration No. (Attorney/Agent)	31,807	Telephone	314-982-2409
Signature	<i>James L. Cordek</i>				Date	10/31/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Practitioner's Docket No. SP-1093.3

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Application No.: 09 / 912,471      Group No.: 1651  
Filed: 7/24/01      Examiner: Ware, D.  
For: Method for Producing Ultrapure Protein Materials

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**Assistant Commissioner for Patents**

~~Washington, D.C. 20231~~ P.O. Box 1450  
Alexandria, VA 22313-1450

**ACTION**

**RESPONSE TO OFFICE**

MAILED October 31, 2002

**LETTER**

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office.

Signature

Tonya Walker

(type or print name of person certifying)

Date: 10/31/03

(First Page of Response of Office Action or Letter [8-1.1])



Practitioner's Docket No. SP-1093.3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wong et al.

Application No.: 90/912,471  
Filed: 7/24/01

Group No.: 1651  
Examiner: Ware, D.

For: Method for Producing Ultrapure Protein Materials

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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NOV 07 2003  
TECH CENTER 1600/2900

AMENDMENT TRANSMITTAL

**WARNING:** Failure to file a complete response in compliance with § 1.135(c) leads to a reduction in patent term adjustment - See § 1.704(c)(7).

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

[ ] a small entity. A statement:  
[ ] is attached.  
[X] was already filed.

[ ] other than a small entity.

---

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail Certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

with sufficient postage as first class mail.  as "Express Mail-Post Office to Addressee"  
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TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Date: 10/31/03

Tonya Walker  
(type or print name of person certifying)

\*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider

"Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Amendment Transmittal [9-19]—page 1 of 4)



Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/912,471
		Filing Date	Jul 24, 2001
		First Named Inventor	Wong, Theodore M.
		Art Unit	1651
		Examiner Name	Ware, D.
Total Number of Pages in This Submission		Attorney Docket Number	SP-1093.3

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NOV 07 2003  
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ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Or Individual name	SOLAE, LLC
Signature	<i>James D. Walker Reg. No. 31,807</i>
Date	October 31, 2003

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.P. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Type or printed	TONYA WALKER		
Signature	<i>tonya walker</i>	Date	October 31, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*In you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*

## EXTENSION OF TERM

NOTE: ``Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

NOTE: 37 C.F.R. § 1.704(b) ``...an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

2. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

**(complete (a) or (b), as applicable)**

(a)  Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

**(check and complete the next item, if applicable)**

An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

**Extension fee due with this request** \$ \_\_\_\_\_

**OR**

(b)  Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal [9-19]--page 2 of 4)

### FEE FOR CLAIMS

3. The fee for claims (37 C.F.R. § 1.16(b)-(d) ) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. OR FEE
<b>TOTAL</b>	<b>*</b>	<b>MINUS **</b>	<b>=</b>	<b>x\$9= \$</b>
<b>INDEP.</b>	<b>*</b>	<b>MINUS ***</b>	<b>=</b>	<b>x\$42= \$</b>
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			<b>+\$140= \$</b>	<b>+\$280= \$</b>
			<b>TOTAL ADDIT. FEE \$</b>	<b>OR</b>
				<b>TOTAL ADDIT FEE \$</b>

\* If the entry in Col. 1 is less than entry in Col. 2, write ``0" in Col. 3.

\*\* If the ``Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter ``20."

\*\*\* If the ``Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter ``3."

The ``Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** ``After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

**(complete (c) or (d), as applicable)**

(c)  No additional fee for claims is required.

**OR**

(d)  Total additional fee for claims required \$ \_\_\_\_\_.

### FEE PAYMENT

[ ] Attached is a [ ] check [ ] money order in the amount of \$ \_\_\_\_\_

[ ] Authorization is hereby made to charge the amount of \$ \_\_\_\_\_

to Deposit Account No. 50-0421

[ ] to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

## FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6.  If any additional extension and/or fee is required, charge Account No. 50-0421.

AND/OR

If any additional fee for claims is required, charge Account No. \_\_\_\_\_.

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

JAMES L. CORDEK  
(type or print name of practitioner)

Reg. No.: 31,807

Tel. No.: (314) 982-2409

P.O BOX 898940  
P.O. Address

Customer No.:

ST. LOUIS, MO 63188